

**UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA,

Plaintiff,

V.

[2] ALEISHA GARCÍA-SANJURJO,

Defendant.

CRIM. NO. 19-542 (GAG)

ORDER

The undersigned hereby **ADOPTS** in its entirety Magistrate Judge McGiverin's report & recommendation at Docket No. 81. In doing so, the Court has reviewed said report & recommendation, as well as the hearing transcript (Docket No. 70), Defendant's objections (Docket No. 82), and reply (Docket No. 99), plus the Government's response (Docket No. 88).

Like Judge McGiverin, I am also concerned by the Government's reliance on the Coast Guard's purported authority to perform the Terry stop and ensuing search and seizure at issue. Terry v. Ohio, 392 U.S. 1 (1968). Notwithstanding, there are independent grounds for the same as elaborately explained by Judge McGiverin beginning at page 13 of his report and recommendation. I agree with his detailed factual and legal analysis.

Accordingly, Defendant's motion to suppress at Docket No. 23 is hereby **DENIED**. Notwithstanding, I am allowing Defendant thirty (30) days to file a separate suppression motion regarding her post arrest statements. Said motion, if filed, is also **REFERRED** to Judge McGiverin for report & recommendation. The Speedy Trial Act clock remains tolled for this period, as well as that for the Court to rule upon the matter. 18 U.S.C. §§ 3161-3174.

Crim No. 19-542 (GAG)

1 **SO ORDERED.**

2 In San Juan, Puerto Rico this 15th day of October 2021.

3 *s/ Gustavo A. Gelpí*
4 GUSTAVO A. GELPI
5 United States District Judge